

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X	Docket#
UNITED STATES OF AMERICA, :	01-cr-1336 (ERK)
:	
- versus - :	U.S. Courthouse
:	Brooklyn, New York
BLAS SALVATORE MANGIAVILLANO, :	
Defendant :	May 8, 2009
-----X	

TRANSCRIPT OF CRIMINAL CAUSE FOR SENTENCING
BEFORE THE HONORABLE EDWARD R. KORMAN
UNITED STATES DISTRICT JUDGE

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1 THE CLERK: United States v. Blas Salvatore
2 Mangiavillano, docket number 00-cr-824 and 01-cr-1336.

3 Your appearances, counsel.

4 MR. ANDRES: Greg Andres and Jackie Rasulo for
5 the United States.

6 Good afternoon, your Honor.

7 MR. PASTER: Darryl Paster for the defendant.

8 Good afternoon, your Honor.

9 THE COURT: Who took the plea in this case?

10 MR. ANDRES: Judge Gold.

11 THE COURT: Any reason why I should not accept
12 -- there is more than one plea, I guess.

13 THE CLERK: There is, Judge.

14 THE COURT: So it's a plea in --

15 MR. ANDRES: There were three pleas, Judge.

16 THE COURT: Three pleas. Well, let's get the
17 numbers down so we have it. Is it 00-cr-824?

18 THE CLERK: Yes.

19 MR. ANDRES: It's 00-cr-824, 01-cr-1336, and
20 there were --

21 THE CLERK: Multiple please in 1336?

22 MS. RASULO: Two pleas and one cooperation
23 agreement.

24 MR. ANDRES: Yes.

25 MS. RASULO: Yes.

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1 MR. ANDRES: Two pleas in 1336 and one plea in
2 824.

3 THE COURT: Okay. All right. I adopt the
4 recommendation of the -- Judge Gold took the pleas in all
5 cases?

6 THE CLERK: Yes.

7 THE COURT: I adopt the recommendation of the
8 magistrate that the pleas were knowingly and voluntarily
9 entered by the defendant with a full understanding of his
10 rights and the consequences of the plea. There's a
11 factual basis for the plea. I therefore accept the pleas
12 of guilty.

13 Mr. Mangiavillano, have you had an opportunity
14 to read this presentence report?

15 THE DEFENDANT: Yes, I did, your Honor.

16 THE COURT: Okay. I am ready to hear you.

17 MR. PASTER: Your Honor, if -- just addressing
18 the question of the guideline computation --

19 THE COURT: Yes.

20 MR. PASTER: On page 32 of the presentence
21 report in paragraph 126, it states that Mr. Mangiavillano
22 received minus three points for acceptance of
23 responsibility. It's our memory better than our
24 contention that there was a global plea in one of the
25 cases, in which case he would have been entitled to an

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1 additional point for acceptance of responsibility. And
2 that that would be our only comment on the --

3 THE COURT: What paragraph are we talking
4 about?

5 MR. PASTER: Paragraph 126, sir.

6 THE COURT: That's of the 2006 --

7 MR. PASTER: Yes, sir.

8 THE COURT: -- probation report.

9 MR. ANDRES: That is accurate, Judge. And part
10 of the 1336 case, there was a global plea and all of the
11 defendants including Mr. Magiavillano pled guilty to that
12 prior to Mr. Mangiavillano cooperating.

13 THE COURT: Okay. So he gets an extra point
14 off; is that?

15 MR. ANDRES: Yes, Judge.

16 THE COURT: I don't know how does that effect
17 the overall guideline calculcation? It becomes a 32 on
18 the total offense level but --

19 MR. ANDRES: Yes, Judge.

20 THE COURT: And what is the guideline range?

21 THE CLERK: 32 criminal history category six is
22 210 to 262 months.

23 MR. PASTER: I think it's four.

24 MR. ANDRES: You think it's --

25 MR. PASTER: No, it's four. It's four. Four.

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1 It's four. Here it is. Greg, right here.

2 THE CLERK: Four? 32 and a four is 168 to 210.

3 THE COURT: Okay. Do you want to speak?

4 MR. PASTER: Your Honor, I actually sent the
5 Court a letter which I hope the Court is in receipt of.

6 THE COURT: I may have stopped after I read the
7 government's letter.

8 MR. PASTER: Certainly.

9 THE COURT: Is this it, December 3, 2008? No.

10 MR. PASTER: No, sir, December 7 -- I'm sorry,
11 May 7, 2009.

12 THE COURT: I don't think I got it yet. That
13 was yesterday, wasn't it? No, I don't think I have it.
14 Okay. Is this an extra copy?

15 MR. PASTER: That's fine, Judge.

16 THE COURT: Okay.

17 MR. PASTER: Your, I have very little to add to
18 what I have said in my letter and to what the government
19 has said in the 5k application. Quite frankly, I think
20 there is very little I can say.

21 The only thing that I would like to assert to
22 the Court is that while Mr. Mangiavillano's conduct in
23 cooperating is very extensive, I think that it is
24 reasonable to draw the inference from that cooperation,
25 that the man has had a sincere change of heart in therms

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1 of his orientation towards society and the law. I have
2 had numerous opportunitites to talk with him on the
3 telephone and I can assure you that he has expressed to
4 me, and I am sure legitimately feels that he has changed
5 the direction of his life and simply doesn't want to be
6 involved in crime any further. And if the Court sees fit
7 to give him the opportunity to live in society, I think
8 the Court could have a high degree of confidence that he
9 would do so without causing further violations of the
10 law.

11 MR. ANDRES: Judge, just briefly,
12 Mr. Mangiavillano's cooperation as outlined in the May 6,
13 2009 letter to the Court has been spectacular and that
14 cooperation has been detailed in letters as I noted but I
15 wanted to also note for the record and for your Honor,
16 Judge, that there are several people who are here today
17 including John Buretta, who is the chief of the organized
18 crime section, Special Agents Peale and Otto (ph.) who
19 were the handling agents for Mr. Mangiavillano, as well
20 as Jerry Conrad (ph.) who is the supervisory special
21 agent in charge of the Gambino squad.

22 Joey Lipton, who is the AUSA who was largely in
23 charge of Mr. Mangiavillano's cooperation is here, as
24 well and I would like to have him speak and there was
25 also -- there's also been input from Assistant United

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1 States Attorneys in the Southern District of New York
2 relating to Mr. Mangiavillano's cooperation because he
3 has cooperated with them, as well and in fact testified
4 in the southern district on at least one occasion.

5 Judge, with respect to the substance of his
6 cooperation, as I noted, Mr. Mangiavillano has been
7 involved in solving dozens of crimes for the government,
8 has cooperated against substantial figures in organized
9 crime in a variety of different organized crime families.
10 We've used his information extensively. He's testified
11 extensively, always extremely credibly. It's noteworthy,
12 as well that he has also provided the government with
13 information that was used to exculpate a defendant in
14 Brooklyn Supreme Court who was charged with a murder that
15 he did not commit and Mr. Mangiavillano came forward and
16 we were able to provide that information to the releant
17 authorities.

18 As I said, I am going to ask Mr. Lipton to talk
19 a little bit more about his cooperation but I also wanted
20 to talk about the criminal conduct to which he pled
21 guilty, Judge. The most serious crimes that
22 Mr. Mangiavillano pled guilty to, the two murder
23 conspiracies that he was involved in, neither of which
24 ultimately led to the murder of the target, the
25 government had absolutely no information about either of

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1 those murder conspiracies until Mr. Mangiavillano came
2 forward. That is the crimes that he himself pled guilty
3 to, he was not under investigation for those crimes and
4 we were not even aware of their existence. Those are
5 crimes that Mr. Mangiavillano during his early -- in
6 fact, immediately during his first proffer session
7 disclosed to the government and so in a real sense, his
8 cooperation has added to his exposures, criminal
9 exposure, because again he was not being investigated for
10 either of those crimes. I think that's particularly
11 important.

12 Judge, I would just ask now that Mr. Lipton,
13 former AUSA Joey Lipton, come forward and just detail a
14 little more of the specifics of the cooperation, Judge.

15 MR. LIPTON: Thank you, Judge. I had the
16 opportunity to put Mr. Mangiavillano on the stand in
17 three cases -- two cases; yes, and prepare him for
18 others. Mr. Mangiavillano is probably one of the
19 smartest, most hard working and active participants in
20 the cooperation process that I have dealt with and
21 possibly that in talking to other people, that anybody
22 has dealt with.

23 From the first day that he came and cooperated
24 until today, his ability to recall facts, provide
25 informatoin, willingness to meet with the government,

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1 everything that you would want in a cooperator has been
2 above and beyond anything that I have seen.

3 From the first case that he testified in which
4 was a murder conspiracy that he told the government
5 about, exposing himself to that liability, invovled
6 conspiracy to kill Salvatore, "Sammy the Bull", Gravano.
7 The case almost entirely was investigated and prosecuted
8 based on Mr. Mangiavillano's testimony. He was the main
9 and really only witness and the agents with his
10 information went out and corroborated everything that Mr.
11 Mangiavillano said.

12 And if you talk to the agents, they will tell
13 you that it was extraordinary, his recall and his ability
14 to dig into his memory and remember all of the facts of
15 everything that he did from going to a certain store that
16 they may have used a name at to registering at a hotel
17 under a certain name. And every material fact that he
18 was able to come up with, the agents virtually 100
19 percent were able to go and this was in Arizona, they
20 were able to fly out there, go to the hotel, find the
21 record and corroborate what Mr. Mangiavillano said.

22 In fact, there's stories how when Mr.
23 Mangiavillano was incarcerated, the agents were able to
24 place calls to him and they would say you told us about
25 this certain business, we're trying to find it. We don't

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1 know the exact street name, can you help us through --
2 and from thousands of miles away, Mr. Mangiavillano would
3 direct them through the streets and say you're at this
4 street, take a left there. So that's just a little bit
5 of how hard he worked to make sure that the government
6 had everything that they needed in their arsenal to
7 prosecute these crimes.

8 And if you take that forward, even in the
9 recent months, you talk to the agents and Mr.
10 Mangiavillano will still call them and tell them about
11 tagged cars, for example and he'll say you've got to look
12 into this because I think this car may be stolen;
13 something that the agents wouldn't even ask
14 Mr. Mangiavillano about, he would offer that up and he
15 did it because I think that's an example of how he truly
16 has changed his life and put his life of crime behind
17 him, you know, to such an extent that the agents probably
18 don't know what to do with the wealth of the information
19 because it's just coming that often and that
20 overwhelming.

21 So as I said, I think he's probably one of the
22 smartest, most hard-working cooperators that I have dealt
23 with. The detail in owning up to his own crimes and his
24 criminal conduct has been incredible. He's all along
25 made no excuses for what he had done and for who he was

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1 before he came in. In conversations that he has had with
2 the prosecutors and with the agents, you konw, he's been
3 embarrassed, he's shown contrition for who he used to be
4 and I think he's the type of person had he had better
5 influences in his life, chose a different path, he would
6 have been top of this class in school, he would have been
7 a success in any business endeavor that he would have
8 chose to get into.

9 And in the future when he has the opportunity,
10 I am confident that he will make up for that lost time
11 and respond with resounding success in whatever he does,
12 whether it's business or anything else that he chooses to
13 do. And I think over the last three to four years since
14 he has been out and there's absolutely no transgression
15 since he's been out on his own, he's made the most of
16 that time and he will continue to do so.

17 Your Honor, he has done everything asked of him
18 and more. Most importantly perhaps I really believe in
19 my conversations and in my dealings with
20 Mr. Mangiavillano that he has changed his life. From
21 what I've seen, from what I have heard from the agents,
22 he's changed his life such that he will not go back to
23 what he was before. His crimnal life has been over for
24 some time now and I believe, your Honor, today he stands
25 before you as a person that I personally look forward to

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1 hearing about what he does in the future because I think
2 there's so much potential there when he puts his mind to
3 it on the right side of the law that it's going to be
4 interesting and exciting to hear about where he goes from
5 here.

6 And I am confident in his abilities to be a
7 productive member of society. I'm confident in his
8 abilities to follow through on his commitment to live a
9 law abiding life as he has done over the last several
10 years since he has been out of prison and I believe,
11 your Honor, that when he says as I believe he will tell
12 you, that he will never darken the hallways of this court
13 or any other, I think he is someone that you can take him
14 at his word. Thank you, Judge.

15 THE COURT: Do you wish to speak?

16 THE DEFENDANT: Yes. First I would like to
17 thank Mr. Andres for the kind letter and Joey Lipton for
18 the kind words. I apologize for being in front of you.
19 I am totally embarrassed of being here.

20 On June of 2002 or around June of 2002,
21 your Honor, I decided that I didn't want to live the life
22 that I was living and I told my attorney that I was
23 willing to speak to the US attorney. And I did that.
24 From that day on when I left there I knew I could never
25 go back to the life that I lived.

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1 I had the support of my family to do it. I
2 couldn't do it prior unless I had their support to do it.
3 I wouldn't leave them in the street, being in danger. So
4 I had to get their support prior. My family supported me
5 through the whole thing. My father put up his house for
6 my bond and I wasn't going to his home. I was going to
7 the WITSEC. He didn't know where I was going.

8 I've been out of the street three and a half
9 years now. I have not gotten in any kind of trouble at
10 all. I have had experiences where I could speak to
11 normal people while I was at WITSEC. No more either
12 associates of organized crime or members of organized
13 crime or anyone that didn't know my history. During that
14 time, I got to learn a lot about being a normal person
15 and I am now a normal person. I am going to be a normal
16 person for the rest of my life.

17 Ultimately, you will cause judgment on me today
18 and whatever it is, I will accept it but no matter what
19 it is, I am still going to continue to be a normal
20 person.

21 THE COURT: All right.

22 THE DEFENDANT: And again, I want to apologize
23 for being here in front of your Honor.

24 MR. ANDRES: Judge, if I could just add, I am
25 sorry, obviously your Honor is aware that we can't make

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1 most of the cases that we do here in federal court
2 without the -- without having cooperating witnesses come
3 forward. And it is somewhat ironic that the guidelines
4 and the sentence that Mr. Mangiavillano would have been
5 facing had he not cooperated, he would have already
6 completed that sentence. So the additional time that he
7 is now facing is based as I said earlier, entirely on his
8 own credible acknowledgement of these additional murder
9 conspiracies which he came forward, disclosed to the
10 government, were investigated and for which other
11 individuals have now been prosecuted and incarcerated.

12 THE COURT: All right. In light of the
13 defendant's extraordinary cooperation, I am going to
14 grant the government's motion for a downward departure.
15 I am sentencing the defendant to the custody of the
16 attorney general for a period of time served, a period of
17 three years on supervised release and a unsupervised
18 supervised release, if that's possible. And a special
19 assessment of -- how much are we talking about? How many
20 counts?

21 MR. PASTER: Four or five.

22 MR. ANDRES: Five.

23 THE COURT: Five. And some of these are --
24 well and a special assessment of \$400 because some of
25 these carry only \$50 special assessments. Okay.

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1 MR. PASTER: Your Honor, if I may just be heard
2 for one bnrrief moment, just following up on something
3 that Mr. Andres -- about Mr. Mangiavillano's intelligence
4 and personality, I would like the record to reflect my
5 personal gratitude to the agents Otto and Peale and to
6 the assistants, Mr. Andres and Mr. Lipton, because I have
7 had -- I've had a number of clients cooperate with the
8 government and I feel that this cooperation was
9 particularly fruitful because the right agents and the
10 right assistants found the right defendant and the
11 combination is what made it work so well.

12 THE COURT: All right.

13 MR. ANDRES: Your Honor, I think restitution is
14 mandatory, as well. It's listed in the PSR in paragraph
15 168. I would note that -- I'm sorry, 186 -- other
16 defendants have also been convicted for the same crime,
17 so that any restitution should be jointly and severable
18 with respect to the other defendants. But in 186, it
19 lists the amount of \$84,176.73 and in 187 it lists \$888
20 --- I'm sorry, \$888,472.

21 THE COURT: Well at the moment I don't know
22 that he has any ability to pay restitution. Well I will
23 order that restitution be paid in those amounts specified
24 in 186 and 87 at the rate of five percent of his net
25 income.

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1 MR. ANDRES: The government moves to dismiss
2 any outstanding counts, Judge.

3 THE COURT: Pardon me? Yes.

4 MR. PASTER: Thank you, Judge.

5 MR. ANDRES: The government moves to dismiss
6 any outstanding counts.

7 THE COURT: They're dismissed.

8 MR. ANDRES: Thank you, Judge.

9 THE CLERK: The defendant has a right to an
10 appeal.

11 THE COURT: You have the right to an appeal if
12 I have made any legal error in imposing sentence. If you
13 can't afford to pay the filing fee, I would allow you to
14 file a notice of appeal without paying the filing fee.
15 Do you understand what I have just said to you?

16 THE DEFENDANT: Thank you, your Honor.

17 MR. ANDRES: Thank you, Judge.

18 (Matter concluded)

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C E R T I F I C A T E

I, ROSALIE LOMBARDI, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 2nd day of January , 2010.


Rosalie Lombardi
Transcription Plus II